

PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT
MINUTES
ROSE ROOM: CREEKMORE PARK COMMUNITY CENTER
September 10, 2019 – 5:30 P.M.

Before calling the meeting to order, Chairman Keesee asked everyone to stand for the Pledge of Allegiance. On roll call, the following commissioners were present: Don Keesee, Richard Morris, Vicki Newton, Kelly Wilson, Ret Taylor, Matt Marshall, Griffin Hanna, Brian Trumbly and Bob Cooper.

Chairman Keesee then called for a motion on the minutes from the August 13, 2019, meeting. Commissioner Taylor moved, seconded by Commissioner Trumbly, to approve the minutes as written.

Chairman Keesee announced that the applicant had requested the tabling of items 7, 8, and 9 in order for the developer to reevaluate the layout and consider some of the neighborhood's concerns. He stated that the Planning Commission would be addressing those items before continuing with the planned agenda.

- 7. MLUP #4-9-19; A request by Ron Brixey, agent for Felix Vozel Estate, for a Master Land Use Plan amendment from Residential Detached to Residential Attached at 2800 South 21st Street and 2001, 2005 & 2009 Country Club Avenue.**
- 8. Rezoning Application #19-9-19; A request by Ron Brixey, agent for Felix Vozel Estate, for a rezoning from Residential Single Family Duplex Low/Medium Density (RSD-2) to Residential Multifamily Medium Density (RM-3) by extension at 2800 South 21st Street and 2001, 2005 & 2009 Country Club Avenue.**
- 9. Development Plan #8-9-19; A request by Ron Brixey, agent for Felix Vozel Estate, for a duplex development at 2001, 2005 & 2009 Country Club Avenue and a multifamily development at 2800 South 21st Street.**

Ron Brixey, agent for Felix Vozel Estate, stated that another neighborhood meeting would be scheduled and he would notify any interested party of said meeting.

Gordon Fredrick, 2115 South Z Street, voiced concerns regarding the developer's ability to contact interested parties. Ms. Brenda Andrews asked for those interested to provide their contact information on the Planning Departments sign-in sheet to be supplied to the developer. Other interested parties could supply their information directly to the Planning Department by Friday, September 13, 2019, 5:00 P.M.

Chairman Keesee called for a motion to table items 7, 8 and 9. Commissioner Morris moved, seconded by Commissioner Cooper, to table items 7, 8 and 8. The vote for item 7—the MLUP—was 9 votes in favor and 0 opposed. The vote for item 8—the rezoning—was 9 votes in favor and 0 opposed. The vote item 9—the development plan—was 9 votes in favor and 0 opposed. Chairman Keesee announced the items had been tabled.

Ms. Brenda Andrews spoke on the procedures.

1. Stonebrook at Chaffee Crossing, Phase III, Lots 44-58 and Tract A – Final Plat – Brixey Engineering

Chairman Keesee introduced item 1. Ms. Brenda Andrews presented the staff report, indicating that the 5.53 acre property was located on the north side of Big Horn Court and Stonebrook Drive. She stated the approval of this item would facilitate the development of Phase III of Stonebrook at Chaffee Crossing.

Ron Brixey was present to represent this application.

No one was present to speak in favor or opposition of this application.

Chairman Keesee called for a motion on item 1. Commissioner Cooper moved, seconded by Commissioner Taylor, to approve this item as written with staff comments. The motion carried with 9 in favor and 0 opposed. Chairman Keesee announced the final plat was approved. Approval subject to the following staff comments:

- Final Plat shall not be filed until Owner / Developer has submitted test results for all applicable testing for water and sanitary sewer improvements.
- Water and sanitary sewer improvements shall not be accepted by the Utility Department, pending same test results.
- No building permits or Planning Department applications shall be approved by the Utility Department pending same test results.
- After all required water and sewer results are approved, approvals of the plat and the affixing of all required signatures on the original tracing and other copies and associated documents, the plat will be filed with the Sebastian County Clerk.

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2. Variance #23-9-19; A request by Cary Smallwood for a variance from 25' to 20' exterior side-yard setback at 6908 Forest Canyon Drive.

Chairman Keesee introduced item 2. Ms. Andrews read the staff report. She stated the property was located on the southwest corner of Deer Chase Court and Forest Canyon Drive. She stated approval of this variance would allow for a larger home with a swimming pool to be constructed.

Matt Edwards was present to represent this item.

There were none present to speak in favor or opposition.

After discussion, Chairman Keesee called for a motion on the variance. Commissioner Taylor moved, seconded by Commissioner Trumbly, to approve the variance with staff comment. The vote was 9 in favor and 0 opposed. Approval subject to the following:

- The building permit shall not be issued pending the approval of the water and sewer test results for the Stonebrook, Phase III subdivision.

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3. Conditional Use #16-9-19; A request by Shannon Reith, agent for Evangel Temple Church, for parking lots at 1219 and 1223 South 12th Street

Chairman Keesee introduced item 3. Ms. Andrews presented the staff report, indicating that the 0.46 acre property was located on the east side of South 12th Street between Dodson Avenue and South M Street. She stated the approval of this application would allow a new parking lot with 40 parking spaces to support the existing church. Staff recommended approval subject to the following staff comments:

- Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.
- The shrubs used for parking lot screening must be a minimum of 24” tall at the initial time of planting as required by Section 27-602-3-C of the UDO.
- All exterior lights must be shielded and comply with the UDO Outdoor and Commercial lighting requirements and verify 0.1 ft. candles of trespass adjacent to residential.

Shannon Reith was present to represent this application. There were none present to speak in favor or opposition.

Chairman Keesee called for a motion on the conditional use. Commissioner Hanna moved to approve with staff comments, seconded by Commissioner Newton. The motion carried, 9 in favor and 0 opposed.

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4. Variance #25-9-19; A request by Neal Morrison, agent for The Dermatology Center, PLLC, for a driveway separation variance from 150’ to 134’ at 7900 Dallas Street.

Chairman Keesee introduced items 4 and 5 as companion items. Ms. Rice presented the staff reports, stating that approval of these items would facilitate the construction of an 11,390 square feet medical clinic with 74 parking spaces, landscaping, water detention, and screening fence. She indicated the location of the 0.94 acre property being on the south side of Dallas Street between South 80th and South 74th Street, having frontage along Dallas Street.

Neal Morrison and Tony Leraris were present to represent these applications. Nancy Raney, 8108 Adam Drive, spoke with concerns regarding the amount of parking and lack of green space. Neal Morrison explained landscaping would exceed the minimum requirements. There were none present to speak in favor or opposition.

Chairman Keesee called for a motion on item 4—the variance. Commissioner Cooper moved, seconded by Commissioner Taylor, to approve with staff comments.

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5. Development Plan #9-9-19; A request by Neal Morrison, agent for The Dermatology Center, PLLC, for a development plan approval for a medical office at 7900 Dallas Street.

Chairman Keesee called for a motion on item 5—the development plan. Commissioner Taylor motioned, seconded by Commissioner Trumbly, to approve with the following staff comments:

- Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.
- A final landscaping plan in compliance with the UDO must be submitted and approved prior to the issuance of a building permit.
- Building permit plans for the exterior lights must verify compliance of 0.1 ft. candles or less of light trespass adjacent to the residential zoning at the rear of the development.

Chairman Keesee called for a vote item 5—the development plan. The vote was 9 in favor and 0 opposed. Chairman Keesee announced the approval of items 4 and 5.

6. Rezoning Application #20-9-19; A request by Miguel and Maria Ramirez for a rezoning from Industrial Moderate (I-2) to Residential Single-family Medium/High Density (RS-3) by classification at 1904 High Street.

Chairman Keesee introduced item 6. Ms. Rice presented the staff report, stating that the 2.67 acre property was on the south side of High Street just south of the entrance of Yukon Street. She indicated the approval of this zoning application would facilitate the subdivision of the property for the construction of a single family home.

Miguel Ramirez was present to represent and speak in favor of this item. There were none present in opposition.

There being no discussion, Chairman Keesee called for a motion on the rezoning application. Commissioner Trumbly moved, seconded by Commissioner Morris, to approve. The motion carried with 9 in favor and 0 opposed.

10. Subdivision Variance #2-9-19; A request by Thomas Hennelly, agent for the Redding Family, for a variance from UDO Section 27-503-2(E) access on a Major Arterial street at 4116 & 4004 Massard Road.

Chairman Keesee introduced item 10. Ms. Andrews read the staff report, stating the 10.1 acre property was located on the west side of Massard Road between Louisville Street and Jackson Street. She indicated the approval of this application would allow the continuation of two existing single-family residences to have vehicular access on Massard Road and share an existing driveway already located on Massard Road. Ms. Andrews recommended the following staff comments upon approval:

- Approval is subject to the submitted site plan/plat.
- The access shall be utilized for only the single family residences as shown on the plan.

Thomas Hennelly, agent for the Redding Family, was present to represent this item. Steve Park, 2212 Carthage Drive, spoke in favor of this application. There were none present to speak in opposition.

Chairman Keesee called for a motion on the subdivision variance. Commissioner Taylor moved to approve with staff comments, seconded by Commissioner Marshall. The vote was 8 in favor and 1 abstention (Cooper).

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11. Variance #24-9-19; A request by Bennie Westphal for a variance from 20' to 12.1' interior side-yard setback at 6609 Rogers Avenue.

Chairman Keesee introduced companion items 11 and 12. Ms. Rice presented the staff report, detailing the location of said property as on the north side of Rogers Avenue between South 66th Street and South 68th Street, containing 1 acre with approximately 216 feet of street frontage along Rogers Avenue. She stated the approval of these items would allow for the development of a restaurant with a drive-through and additional parking. Staff recommended the following comments:

- Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.
- A final landscaping plan in compliance with the UDO must be submitted prior to the issuance of a building permit.
- The development must comply with the Storm Drainage Standards prior to the issuance of a building permit.

- BZA approval of the interior-side yard variance request.

Eric Nelson was present to speak on behalf of these items. There were none present to speak in favor or opposition.

There being no discussion, Chairman Keesee called for a motion on item 11—the variance. Commissioner Taylor moved, seconded by Commissioner Trumbly, to approve with staff comments.

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12. Development Plan #10-9-19; A request by Bennie Westphal for a development plan approval for a commercial development at 6609 Rogers Avenue.

Chairman Keesee called for a motion on item 12—the development plan. Commissioner Taylor motioned, seconded by Commissioner Trumbly, to approve the development plan with staff comments.

There being no further business, the meeting adjourned at approximately 6:16 p.m.